



Paper No. 28

UNITED STATES DEPARTMENT OF COMMERCE
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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Filed by: Judge Michael Sofocleous
Telephone: (703) 308-9823
Facsimile: (703) 308-7953

Applicants: Teizo Yoshimura et al.
Application No.: Serial No.
07/330,446, filed 03/30/89
For: Human Derived Monocyte
Attracting Purified Protein....
Accorded Benefit of: U.S.
07/304,234, filed 01/31/89

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 et seq., effective February 11, 1985 (49 Fed. Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 103,997.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

The parties involved in this interference are:

JUNIOR PARTY

Patentees: Barrett Rollins
62 Pleasant Street
Brookline, MA 02146

Charles Stiles
80 Arnold Road
Newton Center, MA 02159

Gordon G. Wong
40 Jamaica Way, Apartment 10
Jamaica Plain
Massachusetts, MA 02130

Application No.: S.N. 08/046,243, filed April 13, 1993, now
Patent No. 5,278,287, issued January 11, 1994.

For: Novel Human Cytokine

Assignee: Genetics Institute, Inc. and
Dana-Farber Cancer Institute, Boston, MA

Attorney(s): Ellen J. Kapinos, Bruce M. Eisen, David L. Bernstein
and Luann Cserr

Associate(s): Julia D. Hart

Accorded benefit: U.S. Serial No. 07/351,008, filed May 12,
1989, now Patent No. 5,212,073, issued May 18, 1993.

Address: Legal Affairs
Genetics Institute, Inc.
87 Cambridge Park Drive
Cambridge, MA 02140

SENIOR PARTY

Applicants: Teizo Yoshimura
1467 West Key Pkwy.
Frederick, MD

Elizabeth A. Robinson
4401 W. Virginia Ave.
Bethesda, MD 20815

Ettore Appella
4112 Aspen Street
Chevy Chase, MD 20815

Edward J. Leonard
3704 Kenilworth Drive
Chevy Chase, MD 20815

Application No.: S. N. 07/330,446, filed March 30, 1989.

For: Human Derived Monocyte Attracting Purified Protein Product
Useful In A Method of Treating Infection And Neoplasms In A Human
Body, And The Cloning Of Full Length CDNA Thereof.

Assignee: Department of Health and Human Services

Attorney(s): James C. Haight, Gloria Richmond, Robert Benson,
Jack Spiegel, Susan S. Rucker, David R. Sadowski, Laurence J.
Hyman, Steve Ferguson, John Peter Kim, Stephen L. Finley and
Larry M. Tiffany

Associate(s): Sarah B. Adriano, John W. Albrecht, Brian H.
Batzil, Robert C. Beck, Charles Berman, Steven C. Bruess, Karen
S. Canady, Charles G. Carter, James R. Chiapetta, Timothy R.
Conrad, Ronald A. Diagnault, Dennis R. Daley, Julie R. Daulton,
Mark J. DiPietro, Michael B. Farber, MarySusan H. Gabilan, Alan
G. Gorman, John J. Gresens, Randall A. Hillson, Mark A.
Hollingsworth, Denise M. Kettelberger, Alan W. Kowalchyk, Douglas
P. Mueller, Tyler L. Nasiedlak, Albin J. Nelson, Anthony J.
Orler, Daniel M. Pauly, John C. Reich, David G. Smith, John P.
Sumner and David K. Tellekson

Serial No. 07/330,446

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Accorded benefit: U.S. 07/304,234, filed January 31, 1989.

Address: Douglas P. Mueller
Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

COUNT

An isolated and purified human JE/Monocyte Chemoattractant Protein-1 (JE/MCP-1) polypeptide, which exhibits monocyte chemotactic activity.

The claims of the parties which correspond to the count are:

Rollins et al.: Claims 1 and 2.

Yoshimura et al.: Claims 1-3, 7 and 20.



MICHAEL SOFOCLEOUS
Administrative Patent Judge
Telephone (703) 308-9823
Facsimile (703) 308-7952

Serial No. 07/330,446

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Legal Affairs
Genetics Institute, Inc.
87 Cambridge Park Drive
Cambridge, MA 02140-2387

Douglas P. Mueller
Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

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INTERFERENCE DIGEST

Interference No. 103,997 Paper No. 29
Name, Teizo Yoshimura et al.
Serial No. 07/330,446 Patent No. _____
Title, Human Derived Monocyte Attracting Purified Protein.....
Filed, Mar. 30, 1989
Interference with Barrett Rollins et al.

DECISION ON MOTIONS

Examiner-in-Chief, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Favorable Dated, 11/24/98

Court, _____ Dated, _____

REMARKS

